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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,899	06/25/2001	Gert W. Bruning	US010297 (7790/45)	1204

24737 7590 11/17/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

BORISSOV, IGOR N

ART UNIT PAPER NUMBER

3629

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/888,899

**Applicant(s)**

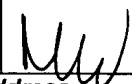
BRUNING, GERT W.

**Examiner**

Igor Borissov

**Art Unit**

3629



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Amendment received on 8/26/2004 is acknowledged and entered. Claims 1-13 are currently pending in the application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 5-7 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Yablonowski et al. (US 6,535,859) in view of Hochstein (US 5,783,909).**

Yablonowski et al. (Hereinafter Yablonowski) teaches a method and system for monitoring lighting systems, comprising:

**Claims 1, 5 and 10.** Installing a lighting system for a customer (column 1, lines 59-61); measuring characteristics of the installed system (column 1, lines 64-65); determining customer usage fee based on said measurement (column 1, line 66 – column 2, line 2).

Yablonowski does not specifically teach that said lighting system includes at least one LED, and a sensor for measuring lumens generated from said system.

Hochstein teaches a method and system for maintaining led luminous intensity, comprising a LED, a sensor for sensing changes in luminous output and a control circuit (column 3, lines 24-32).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Yablonowski to include that said lighting system includes

at least one LED, and a sensor for measuring lumens generated from said system, as disclosed in Hochstein, because LED devices are advantageously more efficient than conventional light-emitting devices, and last longer.

**Claims 2 and 6. See claim 1.**

**Claims 3 and 7. See claim 1.**

**Claims 4, 8-9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yablonowski in view of Hochstein and further in view of Che et al. (US 5,636,303).**

**Claims 4, 8-9 and 11-13.** Yablonowski in view of Hochstein teach all the limitations of **claims 4, 8-9 and 11-13**, except specifically teaching that a customer can control the lighting system via an input device.

Che et al. (Hereinafter Che) teaches a method and system for controlling a chromatically variable light source, wherein a user can control wavelengths of LED via a input unit (14) (column 2, lines 63-66).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Yablonowski in view of Hochstein to include that a customer can control the lighting system via an input device, as disclosed in Che, because it would advantageously allow the customer to adjust the spectrum of LED in accordance with his mood, thereby make the system interactive and more attractive to the customer.

### ***Response to Arguments***

Applicant's arguments filed 8/26/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that Hochstein does not disclose assessing a fee for the use of a lighting system, it is noted that Yablonowski teaches this feature. Hochstein was applied to show monitoring a lighting system, said system including a

LED and sensor for detecting changes in luminous output and a control circuit (C. 3, L. 24-32).

In response to applicant's argument that there is no suggestion to combine Yablonowski and Hochstein, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, both references relate to a system a method for monitoring of lighting systems. The motivation to combine Yablonowski and Hochstein would be to advantageously provide more efficient than conventional light-emitting devices.

In response to applicant's argument that Che does not disclose assessing fees based on usage of a lighting system, it is noted that Yablonowski teaches this feature. Che was applied to show controlling a chromatically variable light source, wherein a user can control wavelengths of LED via an input unit (C. 2, L. 63-66). The motivation to combine Yablonowski in view of Hochstein and Che would be to advantageously allow the customer to adjust the spectrum of LED in accordance with his mood, thereby make the system interactive and more attractive to the customer.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308-2702.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

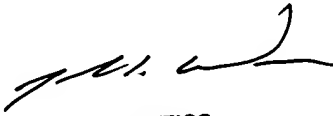
or faxed to:

**(703) 872-9306** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

IB

11/13/2004

  
**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**